

REMARKS

Entry of the present amendment is proper under 37 C.F.R. § 1.116 because the amendment places the application in condition for allowance for the reasons discussed herein; does not raise any new issue requiring further search and/or consideration, because the amendments amplify issues previously discussed throughout prosecution; does not present any additional claims over the number currently canceled; and places the application in better form for an appeal should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the foregoing, reexamination, and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are thus respectfully requested.

As correctly stated in the Office Action, Claims 1-6, 14-24, and 26-31 are pending in the present application. Claims 1-6, 14-24, and 26-31 stand rejected.

By the present amendment, independent Claims 1 and 26 have been amended to remove proviso language, to separately recite and to delete possible constituents of R² and R³ (Claim 1), to delete a possible constituent of R¹ (Claim 26) and for other formal matters. Claim 3 has been amended to delete the recitation that R² is a hydrogen atom. Claim 6 has been amended to correct a typographical error. Claim 29 has been amended to depend from Claim 1, rather than Claim 26 and to recite the compound of Example 8, as found on pages 23 and 24 of the specification as originally filed. Claims 18, 19, 23, 24, 27, 28, 30, and 31 have been canceled, without prejudice to or disclaimer of the subject matter contained therein. New Claims 32 and 33 have been added. These claims mirror current Claims 5 and 6

with the exception that they depend from independent Claim 26, rather than Claim 1.

No new matter has been added.

Applicants respectfully note that page 4 of the Office Action indicated that previous prior art rejections would be overcome by deleting substituents from R¹, A, R², or R³. In light of this and in view of the remarks below concerning the rejections under 35 U.S.C. § 112, first paragraph, Applicants respectfully submit that the present amendment clearly puts the present application in condition for allowance.

Information Disclosure Statement

Applicants respectfully submit that an initialed copy of the PTO-1449 that accompanied the Information Disclosure Statement filed February 20, 2001, with the application be included with the next Official Communication.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-6, 14-24, and 26-31 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. The Office Action asserted that the proviso language found in the claims does not have a basis in the specification. Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, independent Claims 1 and 26 have been amended to delete the rejected proviso language. Withdrawal of this rejection is respectfully requested.

Conclusions

From the foregoing, further and favorable consideration of the subject application in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone Applicants' undersigned representative so that prosecution may be expedited.

Respectfully submitted,

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